

Jud,

Provided below is the revised proposed language for Sections 30-32 and 30-113 which incorporates the comments made by my fellow ZORC members at our last meeting. I've also attached Section 286.0115 of Florida Statutes which provides a disclosure process for municipalities which want to permit ex parte communications for quasi judicial public hearings. This is the other topic which the Committee is scheduled to discuss at our next meeting.

Best regards,

Mario

Sec. 30-32. Determination of Uses not listed.

When a Use is not specifically listed as a Main Permitted Use, or Conditional Use or prohibited Use in a zoning district within which such Use has been requested, such Use may be permitted as follows:

By administrative decision of the Building, Zoning, and Planning Director subject to a finding that such Use exhibits a character and intensity similar to a Use allowed in the district. Appeal of the Building, Zoning, and Planning Director's decision is to the Village Council and considered as an appeal of an administrative decision. If a Use is not listed as a Main Permitted Use, Conditional Use or Accessory Use, it is a prohibited use, unless the Building, Zoning, and Planning Director issues an administrative decision finding that such Use exhibits a character and intensity similar to a Use allowed in the district. The Building, Zoning, and Planning Director shall not issue an administrative decision determining that a particular use is permitted if said determination has the effect of increasing the permitted density or floor area of a property.

(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-113 Prohibited Use

Prohibited Uses: If a Use is not specifically listed as a Main Permitted Use, Conditional Use, or Accessory Use, and the Building, Zoning, and Planning Director has not issued and administrative decision, pursuant to Section 30-32, finding that such Use exhibits a character and intensity similar to a Use already allowed, then such Use is considered as a Prohibited Use and not permitted anywhere in the Village.

Mario J. Garcia-Serra, Esq.
Greenberg Traurig, P.A
1221 Brickell Avenue
Miami, Florida 33131